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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,973	08/14/2001	Sean Brown	1509-212	7758

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EXAMINER	
HEWITT II, CALVIN L	

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/928,973	BROWN ET AL.
	Examiner	Art Unit
	Calvin L Hewitt II	3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 August 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4/16/02,8/14/01*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Status of Claims

1. Claims 1-14 have been examined.

Claim Objections

2. Claims 2 and 3 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 2 recites the page being downloaded without content items. However, claim 1 recites a page downloaded with at least one content item on the page, for user selection.

Claim 3 is also rejected as it depends from claim 2.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

To one of ordinary skill, claim 1 recites conflicting subject matter. Specifically, claim 1 teaches a user receiving a page, wherein "at least one content item **on** the page is user-selectable for download". Claim 1 also recites that the content item is then downloaded into the page and otherwise being absent from the downloaded page. Which contradicts the statement that the content was on the initial page. Claim 11 recites similar language.

Claims 2-10 and 12-14 are also rejected as they depend from claims 1 and 11, respectively.

Claim 2 recites the page being downloaded without content items. However, claim 1 recites a page downloaded with at least one content item on the page, for user selection.

Claim 3 is also rejected as it depends from claim 2.

Claim 3 recites, "a respective place holder for the or each said at least one content item." It is not clear, what is meant by this statement.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-3, 9, 10-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schreiber et al., U.S. Patent No. 6,298,446 in view of Wiser et al., U.S. Patent No. 6,385,596.

As per claims 1-3, 9, 10-12 and 14, Schreiber et al. teach a method for accessing content comprising:

- providing a user with a page (webpage from a server) in which at least one content item on the page is user selectable for download
- upon selection downloading the content into or being absent from the downloaded page (column 9, lines 20-46; column 10, lines 3-23; column 11, lines 28-64)
- downloading the page again with the content item incorporated (e.g. "Refresh") or downloading the content item in a plug-in for incorporation by the client entity into the previously downloaded page at a location identified in the page (column 10, lines 23-63; column/line 11/40-12/3; column/line 28/36-32/60)

Regarding WAP decks, it would have been obvious to one of ordinary skill to apply the teachings of Schreiber et al. to portable internet devices such as a PDA or wireless phone. However, Schreiber et al. do not specifically teach charging

users for accessing content. Wiser et al. teach a system that allows users to sample secured content and then allow a user full access to content after the user pays a fee (abstract; figure 8). Wiser et al. also provide users with an item descriptor and an access price indication (figure 8). Therefore, it would have been obvious to one of ordinary skill to combine the teachings of Schreiber et al. and Wiser et al. in order to generate revenue by charging users a fee for accessing protected content.

7. Claims 4, 5, 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schreiber et al., U.S. Patent No. 6,298,446 and Wiser et al., U.S. Patent No. 6,385,596. as applied to claim 1 above, and further in view of Dedrick et al., U.S. Patent No. 5,717,923.

As per claims 4, 5, 7 and 13, Schreiber et al. teach a content protection method that allows user to view secured content (abstract). Wiser et al. teach a system that allows users to sample secured content and then allow a user full access to content after the user pays a fee (abstract; figure 8). However, neither Schreiber et al. nor Wiser et al. teach a system that stores user pre-selection criteria for retrieving content. Dedrick teaches a method and system for providing content users comprising programmable agents that searches a network for content based on a user editable profile (column 7, lines 10-65; column 8, lines 20-63). Therefore, it would have been obvious to one of ordinary skill to combine

the teachings of Schreiber et al., Wiser et al. and Dedrick in order allow users to more rapidly and efficiently access desired content.

8. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schreiber et al., U.S. Patent No. 6,298,446 and Wiser et al., U.S. Patent No. 6,385,596. as applied to claim 1 above, and further in view of Oki et al., U.S. Patent No. 6,115,471.

As per claims 6 and 8, Oki et al. teach a method and system for providing users with content over a network. Specifically, Oki et al. teach a recovery service that only generates a billing event the first time the content is downloaded (column 8, lines 5-29). Therefore, it would have been obvious to combine the teachings of Schreiber et al., Wiser et al. and Oki et al. in order to allow a user to retrieve lost or corrupted content free of charge (column 8, lines 5-29).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Pizano et al. teach a method for securing video images
- Holmes et al. teach a secure electronic publishing system

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (703) 308-8057. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

c/o Technology Center 2100

Washington, D.C. 20231

or faxed to:

(703) 305-7687 (for formal communications intended for entry and after-final communications),

or:

(703) 746-5532 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, 7th Floor Receptionist.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

Calvin Loyd Hewitt II

July 20, 2004